



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Variance

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V 1-1-00 Falls Executive Centre, Inc., owner, Howard Zimmerman of Falls Executive Centre, Inc., petitioner - General Address: 12401 Orange Drive/Generally located at the northwest corner of Flamingo Road and Orange Drive.

**REPORT IN BRIEF:**

The petitioner is proposing to develop the subject site as a master planned development under the B-3 District provisions, with several development parcels sharing drainage, open space, landscaping, maintenance responsibilities and access to an internal roadway system. Although the B-3, Planned Business Center District is a "planned district" according to its title, requiring unified control and a master concept plan, it does not require detailed master planning, nor does it offer flexibility in development standards that most true 'planned' zoning districts provide for.

A true 'planned' district, such as the Town's recently adopted Griffin Corridor District, require detailed master planning of large development sites and the ability of the governing body to modify certain development standards as part of the master planning process without the need for variances. This flexibility is provided because many of the prescriptive development standards (ex: minimum building separation, landscape buffer width between commercial parcels, building setbacks etc.) contained within the code exist to protect the public from haphazard piecemeal development done without regard for neighboring properties. Master planning eliminates piecemeal development within a master planned tract and eliminates the need for strict compliance with certain development standards.

However, since the B-3 District does not offer the flexibility of a true planned district, the applicant is requesting one variance. Staff believes the requests to reduce the minimum building separation between buildings 2 and 3, 3 and 4, 7 and 8, and 8 and 9, as referenced on the conceptual site plan, is reasonable and minor in nature, and would be acceptable within a true planned development district. However, since the provisions of the B-3 District subject the applicant to the strict variance criteria contained within Section 12-309(B)(a)(b) and (c), staff must find that no special circumstances exist which are not self-created, as the hardship is created by the applicant's building design and lot layout.

**PREVIOUS ACTIONS:**

**CONCURRENCES:**

- The Planning and Zoning Board recommended approval (motion carried 4-1, Chairman Greb dissenting, on February 9, 2000), subject to the side separation dealing only with the separation between buildings two and three, three and four, seven and eight, and eight and nine, respectively, and the petitioner withdrawing those requests dealing with lot depth and lot area.

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to deny.

**Attachment(s):** Planning Report, Conceptual Master Plan, Land Use Map, Subject Site Map, and Aerial.

**Application #: V 1-1-00**

**Revisions: 2/10/00 (1)**

**Exhibit "A":**

**Original Report Date: 2/2/00**

**Board actions and applicant's withdrawal**

**(1) Revised per Planning and Zoning  
for 2 of the 3 variance requests.**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

<b>Name:</b>	Falls Executive Center, Inc.	<b>Name:</b>	Howard Zimmerman
<b>Address:</b>	9000 Sheridan Street	<b>Address:</b>	9000 Sheridan Street
<b>City:</b>	Pembroke Pines, FL 333024	<b>City:</b>	Pembroke Pines, FL 333024
<b>Phone:</b>	(954) 431-7111	<b>Phone:</b>	(954) 431-7111

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**BACKGROUND INFORMATION**

**Application Request:** ~~To reduce the minimum required lot area from 43,560 square feet to 36,616 square feet, and to reduce the minimum required lot depth from 250 feet to 190 feet,~~ and To reduce the minimum required building separation from 30 feet to 26.41 feet in two locations and 26.79 feet in two other separate locations, within the B-3 zoning district. The applicant withdrew his request for lot area and lot depth variances at the February 9, 2000 Planning and Zoning Board meeting.

**Address/Location:** 12401 Orange Drive/Generally located at the northwest corner of Flamingo Road and Orange Drive.

**Future Land Plan Use Designation:** Commercial

**Zoning:** B-3, Planned Business Center District

**Existing Use:** Vacant

**Proposed Use:** Various commercial uses including retail and office uses.

**Parcel Size:** 27.5 acres (1, 197,900 square feet)

**Surrounding Land Use:**

**North:** Vacant land.

**South:** Single-family residential, across Orange Drive, the New River Canal and Griffin Road, within Cooper City.

**East:** Vacant land, across Flamingo Road.

**West:** Vacant land.

### **Surrounding Zoning:**

**North:** A-1, Agricultural District

**South:** R-1-B, Residential, within Cooper City

**East:** AG, Agricultural District, across Flamingo Road.

**West:** A-1, Agricultural District.

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## **ZONING HISTORY**

**Related Zoning History:** June 1995, a settlement agreement pertaining to the annexation status of the subject site was executed for this property.

### **Previous Request on same property:**

- January 1996: The subject site was rezoned from A-1, Agricultural District to B-3, Planned Business Center District (ZB 11-2-95).
- January 1996, The subject site received plat approval (P 12-1-95).

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## **DEVELOPMENT PLAN DETAILS**

This site is a subject of a master plan (see attached plan) which includes several parcels for development. Included within the master plan will be a total of 9 separate office buildings varying in height from 1-story to 2-stories building in an office park setting. Building range in size from 34,355 square to 66,057. The office building are separated by a minimum distance of 26.41 feet and 26.79 feet, whereby 30 feet is required, necessitating the variance request. Additionally, one of the parcels does not meet the minimum lot depth or minimum lot frontage.

### **Site Information:**

- |                   |                     |
|-------------------|---------------------|
| 1. Pervious area: | 504,849 square feet |
| 2. Impervious:    | 228,931 square feet |
| 3. Lake Area:     | 226,634 square feet |
| 4. Total Area:    | 759,708 square feet |

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## **Applicable Codes and Ordinances**

1. Section 12-83, which requires a minimum separation between buildings of 30 feet within the B-3, Planned Business Center District.

## **Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 2. This area includes the westernmost section of the Town north of Orange Drive and south of SW 14th Street, and

bound on the west by Interstate 75 and on the east by Flamingo Road. The predominant existing and planned land use is single-family residential at a density of one dwelling per acre. A major landholding, Imagination Farms, constitutes the last remaining dairy operation in Davie. Development of 400 single-family homes is taking place on approximately half the site. Development of the remainder of the site is imminent. This planning area contains small subdivisions of one-acre lots. Several larger parcels are currently being platted, in preparation for marketing or development as estate residences.

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## **Broward County Comprehensive Plan Considerations**

This property falls within flexibility Zone 113. No County actions are required at this time.

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### **Staff Analysis**

The petitioner is proposing to develop the subject site as a master planned development under the B-3 District provisions, with several development parcels sharing drainage, open space, landscaping, maintenance responsibilities and access to an internal roadway system. Although the B-3, Planned Business Center District is a “planned district” according to its title, requiring unified control and a master concept plan, it does not require detailed master planning, nor does it offer flexibility in development standards that most true ‘planned’ zoning districts provide for.

A true ‘planned’ district, such as the Town’s recently adopted Griffin Corridor District, require detailed master planning of large development sites and the ability of the governing body to modify certain development standards as part of the master planning process without the need for variances. This flexibility is provided because many of the prescriptive development standards (ex: minimum building separation, landscape buffer width between commercial parcels, building setbacks etc.) contained within the code exist to protect the public from haphazard piecemeal development done without regard for neighboring properties. Master planning eliminates piecemeal development within a master planned tract and eliminates the need for strict compliance with certain development standards.

However, since the B-3 District does not offer the flexibility of a true planned district, the applicant is requesting ~~three variances~~ one variance. Staff believes the request to reduce the minimum building separation between buildings 2 and 3, 3 and 4, 7 and 8, and 8 and 9, as referenced on the attached conceptual site plan, ~~are~~ is reasonable and minor in nature, and would be acceptable within a true planned development district. However, since the provisions of the B-3 District subject the applicant to the strict variance criteria contained within Section 12-309(B)(a)(b) and (c), staff must find that no special circumstances exist which are not self-created, as the hardship is created by the applicant’s building design and lot layout.

~~Staff finds the requests to reduce minimum lot area and lot depth on Parcel E are also self-created, as the applicant could relocate the lot line to the west to provide the minimum required lot area and depth, as the adjacent parcel substantially exceeds the minimum area and dimensional requirements of the Code. Further, it is difficult to evaluate the effect of the requested reduction in lot area and depth on the functionality of the parcel in a developed condition, when internal parcel development details are not provided on the master plan. Therefore, it is questionable as to whether the requests for reduction in lot area and depth would be acceptable if staff were reviewing the requests within a planned zoning district~~

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## Findings of Fact

### Variances:

#### **Section 12-309(B)(1):**

(a) There are not special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought; the alleged hardship is self-created by any person having an interest in the property;

(b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is not the minimum variance that will accomplish this purpose;

(c) Granting of the requested variances is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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## Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the negative, staff recommends **denial** of the request to ~~reduce the minimum lot area, to reduce the minimum lot depth and~~ reduce the minimum separation between buildings 2 and 3, 3 and 4, 7 and 8, and 8 and 9, as referenced on the attached conceptual site plan, within the B-3, Planned Business Center District, for petition V 1-1-00.

## Planning and Zoning Board Recommendation

The Planning and Zoning Board recommended approval (motion carried 4-1, Chairman Greb dissenting, on February 9, 2000), subject to the side separation dealing only with the separation between buildings two and three, three and four, seven and eight, and eight and nine, respectively, and the petitioner withdrawing those requests dealing with lot depth and lot area.

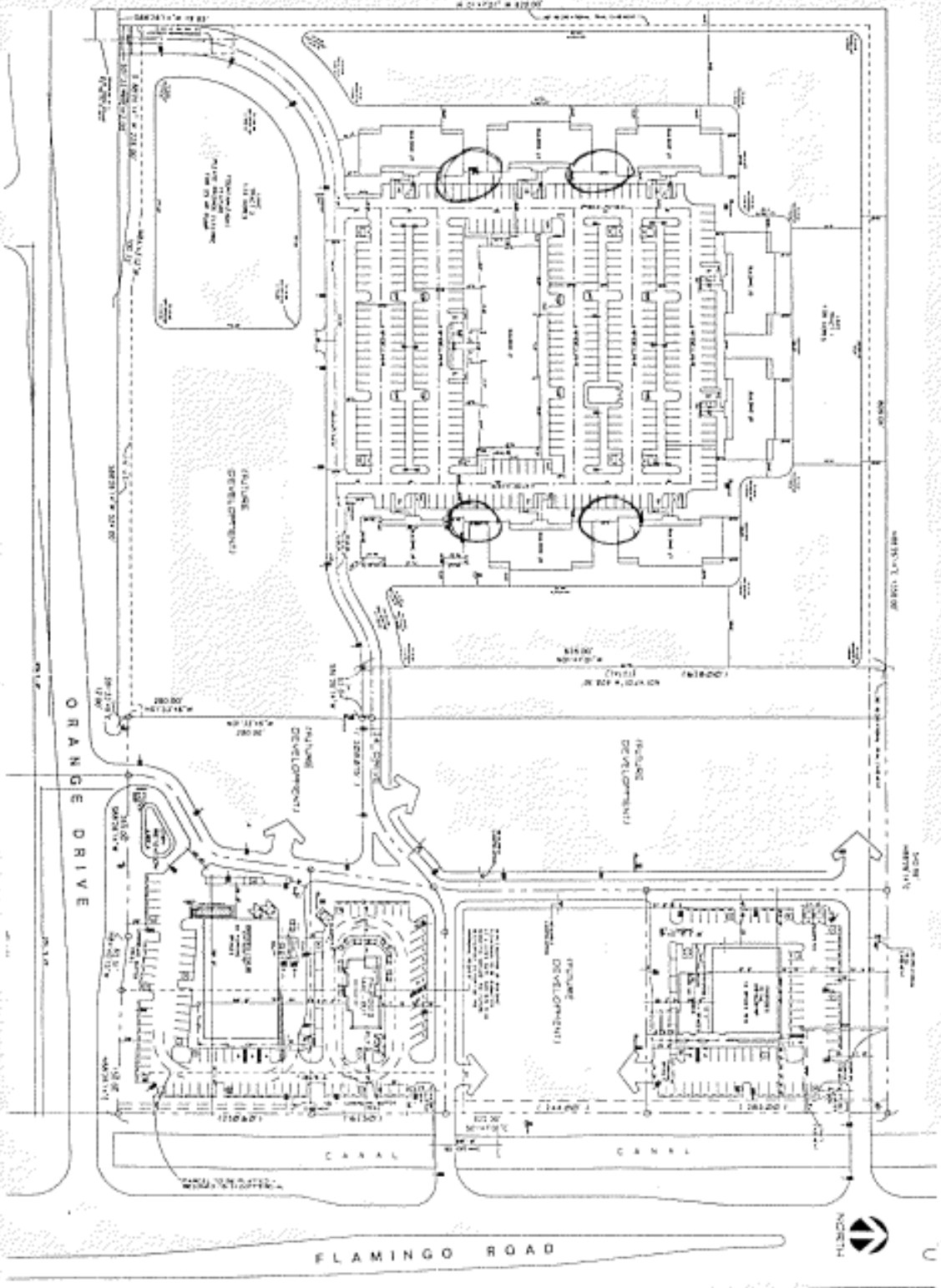
## Exhibits

1. Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

1



RESIDENTIAL 1 DU/AC

(S.W. 124th Ave.)  
Flamingo Rd.

RESIDENTIAL 1 DU/AC

**SUBJECT SITE**

COMMERCIAL

Orange Dr.

RECREATION / OPEN SPACE

Griffin Rd.

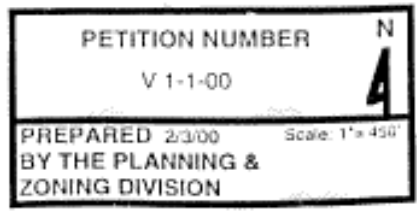
PETITION NUMBER  
V 1-1-00

N

4

Source: Town of Davis Future Land Use Map

PREPARED 2/3/00 Scale: 1"=430'  
BY THE PLANNING &  
ZONING DIVISION





VACANT

**SUBJECT SITE**

FLAMIGO RD

VACANT

ORANGE RD

TOWN LIMITS

GRIFFIN RD

N  
↑  
DATE FLOWN  
JANUARY 1998  
SCALE NTS  
V 1-1-00